

II. Identification of Distinct Inventions as per Office Action

The Examiner states that the inventions are distinct, each from the other for the following reasons:

“Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the support element can function as connection without the subcombination structure. The subcombination has separate utility such as clamping support with lever for retaining an object therein.

Inventions II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the support element can function as connection without the subcombination structure. The subcombination has separate utility such as clamping support for mounting on an object.”

III. Applicants Provisional Election

Applicants acknowledge the Examiner's restriction of the invention in “Elections/Restrictions” on page 2 of the above-identified office action and provisionally elect to prosecute the invention taught by Group III, which corresponds to claims 25 - 34. Applicants respectfully maintain their right to rejoiner under MPEP §809.02(c) for the non-elected claims should allowable claims be found in the instant application.

IV. Related Allowed/Issued National Stage Applications

Applicants also respectfully note that claims directed to the device or connecting apparatus described in claims 25-34 were allowed and issued as in fellow national stage applications. Specifically, European Union national stage variations of claims 25-34 were allowed and issued as European Patent No. EP 1 711 691 on April 23, 2008. Should the Examiner discover similar claim language would also be allowable in the US, the Examiner is invited to contact applicants' attorney at the number listed below as consistency between related patents would be appreciated.

V. Traverse Restriction

Applicants respectfully traverse the restriction requirement with respect to Groups I and III, which correspond to claims 16 – 19 and 25 - 34 for the reasons stated below. Specifically, applicants respectfully note that the Office did not state any reasons for why Inventions I and III are distinct. Accordingly, applicants respectfully believed that the Office Action does not satisfy the burden requirements of MPEP §808.02 with respect to claims 16 – 19 and 25 – 34. More specifically, the Office Action has not shown claims 16 – 19 and 25 – 34 to be independent or distinct under the criteria of MPEP § 806.05(c) - § 806.06. Additional clarification is respectfully requested.

In view of foregoing comments, the restriction requirement with respect to claims 16 - 34 is traversed and notice to that effect is earnestly solicited. It is believed that all pending claims are allowable and in condition for allowance. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

VI. Petition for Extension

Petition for extension is herewith made. The extension fee for response within a period of three months pursuant to Section 1.136(a) in the amount of \$1110.00 in accordance with Section 1.17(a)(1) is enclosed herewith.

VII. Conclusion

Applicants respectfully submit this provisionally election of Group III, claims 25-34. Should any further aspects of the application remain unresolved, or if there are any issues that can be resolved by telephonic conference, the Examiner is invited to telephone applicant's attorney at the number listed below.

Respectfully submitted,
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Date: Friday, November 21, 2008

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